

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL Z. MOHRBACHER,

Defendant.

CR-10-2093-EFS

Preliminary Order of Forfeiture

IT IS HEREBY ORDERED THAT:

As the result of the guilty plea to Count 1 of the Information Superseding Indictment for which the Government sought forfeiture pursuant to 18 U.S.C. § 2253, Defendant, DANIEL Z. MOHRBACHER, shall forfeit to the United States any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

The Court has determined, based on the Defendant's plea agreement and the agreed modification to the plea agreement, that the following assets are subject to forfeiture pursuant to 18 U.S.C. § 2253, and that the government has established the requisite nexus between such assets described below, and such offenses:

1) Acer Aspire Laptop Computer, Serial Number LXAEFOJO26641037D9200;

2) Seagate Momentus, Serial Number 5PL2L7D7 - 120GB EIDE;

3) Western Digital External USB, Serial Number WCAL93955188 - 160GB EIDE;

4) Seagate External USB, Serial Number 2GHJOPMJ - 1.5TB USB;

5) Western Digital External USB, Serial Number WCAUF0708369 - 500 USB;

1 6) Western Digital External USB, Serial Number WCAPD3444048 -
2 320GB USB;

3 7) Western Digital External USB, Serial Number WMANU1298992 -
4 500GB USB;

5 8) Maxtor External USB, Serial Number Y31CF4GE - 80GB USB;
6 and,

7 9) Maxtor External USB, Serial Number SNY31NQ6E - 120GB USB.

8 seized by the United States Immigration and Customs Enforcement on or about
9 June 17, 2009.

10 Upon the entry of this Order, the United States Attorney General (or a
11 designee) is authorized to seize the above-listed assets subject to forfeiture,
12 whether held by the defendant or by a third party, and to conduct any discovery
13 proper in identifying, locating or disposing of the property subject to forfeiture, in
14 accordance with 21 U.S.C. § 2253 and Fed. R. Crim. P. 32.2(b)(3).

15 Upon entry of this Order, the United States is authorized to commence any
16 applicable proceeding to comply with statutes governing third party rights,
17 including giving notice of this Order.

18 Pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or
19 Maritime Claims and Asset Forfeiture Actions and 21 U.S.C. § 853(n), as
20 incorporated by 18 U.S.C. § 2253, the United States will post notice of this order
21 on the official government internet site (www.forfeiture.gov) for at least 30
22 consecutive days. The United States may also, to the extent practicable, provide
23 direct written notice to any person known to have alleged an interest in the
24 property that is the subject of the Preliminary Order of Forfeiture, as a substitute
25 for posted internet notice as to those persons so notified.

26 Any person, other than the above-named Defendant, asserting a legal
27 interest in the above-listed property may, within sixty(60) days of the first posting
28 of notice, or receipt of notice, whichever is earlier, petition the court for a hearing
without a jury to adjudicate the validity of his alleged interest in the above-listed

1 property, and for an amendment of the order of forfeiture, pursuant to Rule G(5),
2 as incorporated by 21 U.S.C. § 853(n) and 18 U.S.C. § 2253.

3 Any petition filed by a third party asserting an interest in the above-listed
4 property shall be signed by the petitioner under penalty of perjury and shall set
5 forth the nature and extent of the petitioner's right, title, or interest in said
6 property, the time and circumstances of the petitioner's acquisition of the right,
7 title or interest in said property, and any additional facts supporting the petitioner's
8 claim and the relief sought.

9 Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Preliminary Order
10 of Forfeiture is final as to the Defendant at the time of sentencing, and is made
11 part of the sentence and included in the judgment.

12 After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c) and
13 before a hearing on the petition, discovery may be conducted in accordance with
14 the Federal Rules of Civil Procedure upon a showing that such discovery is
15 necessary or desirable to resolve factual issues.

16 The United States shall have clear title to the above-listed property
17 following the Court's disposition of all third-party interests, or, if none, following
18 the expiration of the period provided in Rule G(5), as incorporated by 21 U.S.C. §
19 853(n)(2) and 18 U.S.C. § 2253, for the filing of third party petitions.

20 The Court shall retain jurisdiction to enforce this Order, and to amend it as
21 necessary, pursuant to Fed. R. Crim. P. 32.2(e).

22 The Motion for Preliminary Order of Forfeiture (ECF No. 59) is GRANTED.

23 ORDERED this 11th day of March, 2011.

24
25 s/Edward F. Shea

26 _____
Edward F. Shea
United States District Judge
27
28